
6/7/17 - Judge GUS ARAGON, JR. - CV 2015-4733 - BLADH (Thomas M. Bayham, a sole practitioner) v GEORGE (J.C. C. Patrascioiu of Curl & Glasson, P.L.C.) - PERSONAL INJURY - MULTIPLE-VEHICLE REAREND. *Case being tried on Dfnt's appeal of Plntf's \$23,174.05 arbitration award.* Plntf, male, age 40, a miner, alleged he was rear-ended by Dfnt, and his vehicle was propelled into the vehicle in front of him. Dfnt, female, age 57, a retail manager, admitted negligence, but argued causation. Plntf alleged he sustained cervical, thoracic, and lumbar soft tissue injuries; plus shoulder soft tissue injuries. Plntf called his treating physician, Ernesto R. Gutierrez, M.D., an internist, who was of the opinion that Plntf's injuries were causally related, and the conservative treatment administered was appropriate and necessary. Plntf used the videotape deposition of his treating physician, Nicholas Giacoma, D.C., who concurred with Dr. Gutierrez. Plntf also called his treating physician, Bennet E. Davis, M.D., a pain management specialist, who was of the opinion that Plntf's injuries were causally related and the epidural steroid injections administered in the cervical and lumbar spine were appropriate and necessary. It was also Dr. Davis' opinion that the percutaneous diskectomy performed was reasonable and necessary. However, on cross, Dr. Davis admitted that he did not know the speeds of the vehicles involved in the instant accident, nor the severity of the impact. Dfnt

argued Plntfs' medical experts admitted they did not review Plntf's medical records from other providers, including his primary care physician, and did not know Plntf's pre-accident status. Dfnt also argued Plntf's complaints were work-related. Dfnt called Zoran Maric, M.D., an orthopod, who was of the opinion that there was no objective evidence that Plntf had sustained injury in the instant accident. It was also Dr. Maric's opinion that the epidural steroid injections administered, as well as the percutaneous diskectomy, were not indicated, based on Plntf's presentation and MRI results. Additionally, it was Dr. Maric's opinion that Dr. Davis was not qualified to perform a percutaneous diskectomy because he is not a surgeon. Prayer: Just and reasonable compensatory damages; \$25,085.85 medical expenses; plus \$7,280 lost wages. Plntf made a pretrial demand of \$50,000 - Dfnt made a \$2,501 offer of judgment (D). (Carrier: State Farm Insurance.) During closing arguments Plntf's counsel asked jury to award Plntf \$58,000. Defense counsel argued Plntf was not injured. Five day trial. By stipulation, ten jurors deliberated. Jury out one-plus hours. FOUND FOR DFNT. UNANIMOUSLY. (Post-trial, Court awarded Dfnt \$38,257.29 for double taxable costs and expert fees.)
